

CHAPTER 406

NONPROFIT HOSPITAL AND MEDICAL CORPORATIONS

S. F. 652

AN ACT relating to actions against nonprofit hospital service corporations and nonprofit medical service corporations.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Section six hundred sixteen point ten (616.10), Code
- 2 1966, is hereby amended by adding thereto the following:
- 3 "As used in this section the term 'insurance companies' includes
- 4 nonprofit hospital service corporations and nonprofit medical service
- 5 corporations which have incorporated under the provisions of chapter
- 6 five hundred four (504) of the Code."

Approved June 26, 1967.

CHAPTER 407

PRIVILEGED COMMUNICATIONS

H. F. 196

AN ACT to amend section six hundred twenty-two point ten (622.10), Code 1966, and provide for a certain exception to the rule of evidence relating to privileged communications.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Amend section six hundred twenty-two point ten
- 2 (622.10), Code 1966, by striking all of said section after the period (.)
- 3 in line twelve (12) and inserting in lieu thereof the following:
- 4 "Such prohibition shall not apply to cases where the person in whose
- 5 favor the same is made waives the rights conferred; nor shall such
- 6 prohibition apply, as the same relates to physicians or surgeons or to
- 7 the stenographer or confidential clerk of any such physicians or sur-
- 8 geons, in a civil action to recover damages for personal injuries or
- 9 wrongful death in which the condition of the person in whose favor
- 10 such prohibition is made is an element or factor of the claim or de-
- 11 fense of such person or of any party claiming through or under such
- 12 person. Such evidence shall be admissible upon trial of the action only
- 13 as it relates to the condition alleged. If an adverse party desires the
- 14 oral deposition, either discovery or evidentiary, of any such physician
- 15 or surgeon to which such prohibition would otherwise apply or the
- 16 stenographer or confidential clerk of any such physician or surgeon or
- 17 desires to call any such physician or surgeon to which such prohibi-
- 18 tion would otherwise apply or the stenographer or confidential clerk
- 19 of any such physician or surgeon as a witness at the trial of the action,
- 20 he shall file an application with the court for permission to do so. The
- 21 court upon hearing, which shall not be ex parte, shall grant such per-
- 22 mission unless the court finds that the evidence sought does not relate
- 23 to the condition alleged and shall fix a reasonable fee to be paid to

24 such physician or surgeon by the party taking the deposition or calling
25 the witness."

Approved May 16, 1967.

CHAPTER 408

ABANDONED REAL PROPERTY

H. F. 390

AN ACT relating to abandoned property.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter six hundred twenty-eight (628), Code 1966,
2 is hereby amended by adding the following section thereto:
3 "Redemption where property abandoned. The mortgagor and the
4 mortgagee of any tract of real property consisting of less than ten
5 (10) acres in size may also agree and provide in the mortgage instru-
6 ment that the court in a decree of foreclosure may find affirmatively
7 that the tract has been abandoned by the owners and those persons
8 personally liable under the mortgage at the time of such foreclosure,
9 and that should the court so find, and if the mortgagee shall waive any
10 rights to a deficiency judgment against the mortgagor or his succes-
11 sors in interest in the foreclosure action, then the period of redemp-
12 tion after foreclosure shall be reduced to sixty (60) days. If the
13 redemption period is so reduced, the mortgagor or his successors in in-
14 terest or the owner shall have the exclusive right to redeem for the
15 first thirty (30) days after such sale and the times of redemption by
16 creditors provided in sections six hundred twenty-eight point five
17 (628.5), six hundred twenty-eight point fifteen (628.15) and six hun-
18 dred twenty-eight point sixteen (628.16) of the Code shall be reduced
19 to forty (40) days. Entry of appearance by pleading or docket entry
20 by or on behalf of the mortgagor shall be a presumption that the
21 property is not abandoned."

Approved June 26, 1967.